

1 A bill to be entitled
2 An act relating to school safety; amending s. 943.082,
3 F.S.; requiring the FortifyFL reporting tool to notify
4 reporting parties that submitting false information
5 may subject them to criminal penalties; providing that
6 certain reports shall remain anonymous; amending s.
7 985.12, F.S.; requiring law enforcement officers to
8 have access to a specified system by a certain date
9 for specified purposes; amending s. 1001.11, F.S.;
10 requiring the Commissioner of Education to oversee
11 compliance with requirements relating to school safety
12 and security; requiring the commissioner to take
13 specified actions under certain circumstances relating
14 to noncompliance; amending s. 1001.212, F.S.;
15 requiring the Office of Safe Schools to provide
16 certain opportunities to charter school personnel;
17 requiring such office to coordinate with specified
18 entities to provide a specified tool for certain
19 purposes and a model family reunification plan for
20 certain purposes; amending s. 1002.33, F.S.; revising
21 provisions relating to the immediate termination of a
22 charter school's charter; amending s. 1006.07, F.S.;
23 requiring codes of student conduct to include
24 provisions relating to civil citation or similar
25 prearrest diversion programs for specified purposes;

authorizing certain procedures to include accommodations for specified drills; requiring district school boards and charter school governing boards, in coordination with local law enforcement agencies, to adopt a family reunification plan for specified purposes; providing requirements for members of a threat assessment team; amending s. 1006.12, F.S.; revising provisions relating to the duties of school safety officers; requiring the district school superintendent or charter school administrator to provide certain notifications relating to safe-school officers; requiring safe-school officers to complete a specified training; providing requirements for such training; requiring individuals to meet certain criteria before participating in specified training; providing requirements for such training; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures relating to certain disasters; amending s. 1011.62, F.S.; revising required plans within the mental health assistance allocation to include certain interagency agreements or memoranda of understanding with specified entities to facilitate certain referrals and services; providing requirements for such agreements and memoranda of understanding and policies and

51 procedures; revising such plans to include policies
52 and procedures relating to certain behavioral health
53 services available to such students; requiring schools
54 districts to use specified services from certain
55 teams; providing requirements for referrals to certain
56 behavioral health services; providing effective dates.

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58 Be It Enacted by the Legislature of the State of Florida:

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60 Section 1. Effective October 1, 2020, paragraph (c) is
61 added to subsection (2) of section 943.082, Florida Statutes, to
62 read:

63 943.082 School Safety Awareness Program.—

64 (2) The reporting tool must notify the reporting party of
65 the following information:

66 (c) That, if following an investigation, it is determined
67 that a person knowingly submitted a false tip through FortifyFL,
68 the IP address of the device on which the tip was submitted will
69 be provided to law enforcement agencies for further
70 investigation and the reporting party may be subject to criminal
71 penalties under s. 837.05. In all other circumstances, unless
72 the reporting party has chosen to disclose his or her identity,
73 the report must remain anonymous.

74 Section 2. Paragraph (f) of subsection (2) of section
75 985.12, Florida Statutes, is amended to read:

76 985.12 Civil citation or similar prearrest diversion
77 programs.—

78 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
79 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

80 (f) Each civil citation or similar prearrest diversion
81 program shall enter the appropriate youth data into the Juvenile
82 Justice Information System Prevention Web within 7 days after
83 the admission of the youth into the program. Beginning in fiscal
84 year 2021-2022, law enforcement officers must have field access
85 to the Juvenile Justice Information System Prevention Web to
86 access civil citation and prearrest diversion information.

87 Section 3. Subsection (9) of section 1001.11, Florida
88 Statutes, is amended to read:

89 1001.11 Commissioner of Education; other duties.—

90 (9) The commissioner shall oversee compliance with the
91 requirements relating to school safety and security ~~requirements~~
92 ~~of the Marjory Stoneman Douglas High School Public Safety Act,~~
93 ~~chapter 2018-3, Laws of Florida,~~ by school districts; district
94 school superintendents; and public schools, including charter
95 schools. Upon notification by the Office of Safe Schools that a
96 district school board has failed to comply with the requirements
97 relating to school safety and security, the commissioner shall
98 require the district school board to withhold further payment of
99 the salary of the superintendent as authorized under s.
100 1001.42(13)(b). Upon notification by the Office of Safe Schools

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101 that a charter school has failed to comply with the requirements
102 relating to school safety and security, the commissioner must
103 facilitate compliance by charter schools by recommending actions
104 to the district school board pursuant to s. 1002.33. The
105 commissioner must facilitate compliance to the maximum extent
106 provided under law, identify incidents of noncompliance, and
107 impose or recommend to the State Board of Education, the
108 Governor, or the Legislature enforcement and sanctioning actions
109 pursuant to s. 1008.32 and other authority granted under law.

110 Section 4. Subsections (14) and (15) of section 1001.212,
111 Florida Statutes, are renumbered as subsections (15) and (16),
112 respectively, subsections (2), (6), and (8) are amended, and a
113 new subsection (14) is added to that section, to read:

114 1001.212 Office of Safe Schools.—There is created in the
115 Department of Education the Office of Safe Schools. The office
116 is fully accountable to the Commissioner of Education. The
117 office shall serve as a central repository for best practices,
118 training standards, and compliance oversight in all matters
119 regarding school safety and security, including prevention
120 efforts, intervention efforts, and emergency preparedness
121 planning. The office shall:

122 (2) Provide ongoing professional development opportunities
123 to school district and charter school personnel.

124 (6) Coordinate with the Department of Law Enforcement to
125 provide a unified search tool, known as the Florida School

126 Safety Portal, ~~centralized integrated data repository and data~~
127 ~~analytics resources~~ to improve access to timely, complete, and
128 accurate information ~~integrating data~~ from, at a minimum, ~~but~~
129 ~~not limited to~~, the following data sources ~~by August 1, 2019~~:

- 130 (a) Social media Internet posts;
- 131 (b) Department of Children and Families;
- 132 (c) Department of Law Enforcement;
- 133 (d) Department of Juvenile Justice;
- 134 (e) Mobile suspicious activity reporting tool known as
135 FortifyFL;
- 136 (f) School environmental safety incident reports collected
137 under subsection (8); and
- 138 (g) Local law enforcement.

139
140 Data that is exempt or confidential and exempt from public
141 records requirements retains its exempt or confidential and
142 exempt status when incorporated into the centralized integrated
143 data repository. To maintain the confidentiality requirements
144 attached to the information provided to the centralized
145 integrated data repository by the various state and local
146 agencies, data governance and security shall ensure compliance
147 with all applicable state and federal data privacy requirements
148 through the use of user authorization and role-based security,
149 data anonymization and aggregation and auditing capabilities. To
150 maintain the confidentiality requirements attached to the

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information provided to the centralized integrated data repository by the various state and local agencies, each source agency providing data to the repository shall be the sole custodian of the data for the purpose of any request for inspection or copies thereof under chapter 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies and the requirements of the Federal Bureau of Investigation Criminal Justice Information Services security policy, where applicable.

(8) Provide technical assistance to school districts and charter school governing boards for school environmental safety incident reporting as required under s. 1006.07(9). The office shall collect data through school environmental safety incident reports on incidents involving any person which occur on school premises, on school transportation, and at off-campus, school-sponsored events. The office shall review and evaluate school district reports to ensure compliance with reporting requirements. ~~Upon notification by the department that a superintendent has failed to comply with the requirements of s. 1006.07(9), the district school board shall withhold further payment of his or her salary as authorized under s. 1001.42(13)(b) and impose other appropriate sanctions that the commissioner or state board by law may impose.~~

(14) Develop, in coordination with the Division of

176 Emergency Management, other federal, state, and local law
177 enforcement agencies, fire and rescue agencies, and first
178 responder agencies, a model family reunification plan for use by
179 child care facilities, public K-12 schools, and public
180 postsecondary institutions that are closed or unexpectedly
181 evacuated due to a natural or man-made disaster.

182 Section 5. Paragraph (c) of subsection (8) of section
183 1002.33, Florida Statutes, is amended to read:

184 1002.33 Charter schools.—

185 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

186 (c) A charter may be terminated immediately if the sponsor
187 sets forth in writing the particular facts and circumstances
188 demonstrating ~~indicating~~ that an immediate and serious danger to
189 the health, safety, or welfare of the charter school's students
190 exists, that the immediate and serious danger is likely to
191 continue, and that an immediate termination of the charter is
192 necessary. The sponsor's determination is subject to the
193 procedures set forth in paragraph (b), except that the hearing
194 may take place after the charter has been terminated. The
195 sponsor shall notify in writing the charter school's governing
196 board, the charter school principal, and the department of the
197 facts and circumstances supporting the emergency termination ~~if~~
198 ~~a charter is terminated immediately~~. The sponsor shall clearly
199 identify the specific issues that resulted in the immediate
200 termination and provide evidence of prior notification of issues

201 resulting in the immediate termination, if applicable ~~when~~
202 ~~appropriate~~. Upon receiving written notice from the sponsor, the
203 charter school's governing board has 10 calendar days to request
204 a hearing. A requested hearing must be expedited and the final
205 order must be issued within 60 days after the date of request.
206 The sponsor shall assume operation of the charter school
207 throughout the pendency of the hearing under paragraph (b)
208 unless the continued operation of the charter school would
209 materially threaten the health, safety, or welfare of the
210 students. Failure by the sponsor to assume and continue
211 operation of the charter school shall result in the awarding of
212 reasonable costs and attorney's fees to the charter school if
213 the charter school prevails on appeal.

214 Section 6. Paragraph (a) of subsection (4) and paragraph
215 (a) of subsection (7) of section 1006.07, Florida Statutes, are
216 amended, paragraph (n) is added to subsection (2) and paragraph
217 (d) is added to subsection (6) of that section, to read:

218 1006.07 District school board duties relating to student
219 discipline and school safety.—The district school board shall
220 provide for the proper accounting for all students, for the
221 attendance and control of students at school, and for proper
222 attention to health, safety, and other matters relating to the
223 welfare of students, including:

224 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
225 conduct for elementary schools and a code of student conduct for

middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(n) Criteria for assigning a student to a civil citation or similar prearrest diversion program that is an alternative to expulsion or referral to law enforcement agencies. All civil citation or similar prearrest diversion programs that are used by a school district as an alternative to referral to law enforcement must comply with s. 985.12.

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be

251 conducted in accordance with developmentally appropriate and
252 age-appropriate procedures at least as often as other emergency
253 drills. District school board policies shall include commonly
254 used alarm system responses for specific types of emergencies
255 and verification by each school that drills have been provided
256 as required by law and fire protection codes and may provide
257 accommodations for drills conducted by ESE centers. The
258 emergency response policy shall identify the individuals
259 responsible for contacting the primary emergency response agency
260 and the emergency response agency that is responsible for
261 notifying the school district for each type of emergency.

262 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
263 school superintendent shall establish policies and procedures
264 for the prevention of violence on school grounds, including the
265 assessment of and intervention with individuals whose behavior
266 poses a threat to the safety of the school community.

267 (d) Each district school board and charter school
268 governing board must adopt, in coordination with local law
269 enforcement agencies, a family reunification plan to reunite
270 students and employees with their families in the event that a
271 school is closed or unexpectedly evacuated due to a natural or
272 man-made disaster.

273 (7) THREAT ASSESSMENT TEAMS.—Each district school board
274 shall adopt policies for the establishment of threat assessment
275 teams at each school whose duties include the coordination of

resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. Members of the threat assessment team must be involved in the threat assessment process and final decision.

The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

Section 7. Subsection (6) of section 1006.12, Florida Statutes, is renumbered as subsection (8), paragraph (c) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (5) are amended, and new subsections (6) and (7) are added to that section, to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)–(4) to best meet the needs of the school district and charter schools.

(1) SCHOOL RESOURCE OFFICER.—A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

~~(c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.~~

(2) SCHOOL SAFETY OFFICER.—A school district may commission one or more school safety officers for the protection and safety

of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under ~~the provisions of~~ chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with ~~the provisions of~~ that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property or on property owned or leased by a charter school under the charter contract, as applicable, and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(5) NOTIFICATION.—The district school superintendent or charter school administrator ~~school district~~ shall notify the county sheriff and the Office of Safe Schools immediately after,

but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) CRISIS INTERVENTION TRAINING.—Each safe-school officer must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(7) LIMITATIONS.—An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any training required by s. 30.15(1)(k), which may only be conducted by a sheriff.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the

376 charter school's share of the costs of the school resource
377 officer or school safety officer may not exceed the safe school
378 allocation funds provided to the charter school pursuant to s.
379 1011.62(15) and shall be retained by the school district.

380 Section 8. Paragraph (a) of subsection (2) of section
381 1006.1493, Florida Statutes, is amended to read:

382 1006.1493 Florida Safe Schools Assessment Tool.—

383 (2) The FSSAT must help school officials identify threats,
384 vulnerabilities, and appropriate safety controls for the schools
385 that they supervise, pursuant to the security risk assessment
386 requirements of s. 1006.07(6).

387 (a) At a minimum, the FSSAT must address all of the
388 following components:

- 389 1. School emergency and crisis preparedness planning;
- 390 2. Security, crime, and violence prevention policies and
391 procedures;
- 392 3. Physical security measures;
- 393 4. Professional development training needs;
- 394 5. An examination of support service roles in school
395 safety, security, and emergency planning;
- 396 6. School security and school police staffing, operational
397 practices, and related services;
- 398 7. School and community collaboration on school safety;
- 399 ~~and~~
- 400 8. Policies and procedures to prepare for and respond to

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natural and man-made disasters, including family reunification plans to reunite students and employees with their families after a school is closed or unexpectedly evacuated due to such disasters; and

9.8. A return on investment analysis of the recommended physical security controls.

Section 9. Paragraph (b) of subsection (16) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of

the state's total unweighted full-time equivalent student enrollment. Charter schools that submit a plan separate from the school district are entitled to a proportionate share of district funding. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third-party health insurance benefits and Medicaid claiming for services, where appropriate.

(b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:

1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and

other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

2. An interagency agreement or memorandum of understanding with a managing entity, as defined in s. 394.9082(2), that facilitates referrals of students to community-based services and coordinates care for students served by school-based and community-based providers. Such agreement or memorandum of understanding must address the sharing of records and information as authorized under s. 1006.07(7)(d) to coordinate care and increase access to appropriate services.

~~3.2.~~ Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

476 ~~4.3.~~ Policies and procedures, including contracts with
477 service providers, which will ensure that:

478 a. A parent of a student is provided information about
479 behavioral health services available through the student's
480 school or local community-based behavioral health services
481 providers, including, but not limited to, the community action
482 treatment team established in s. 394.495 serving the student's
483 area. A school may meet this requirement by providing
484 information about and Internet addresses for web-based
485 directories or guides for local behavioral health services. Such
486 directories or guides must be easily navigated and understood by
487 individuals unfamiliar with behavioral health delivery systems
488 or services and include specific contact information for local
489 behavioral health providers.

490 b. Each school district uses the services of the community
491 action treatment team established in s. 394.495 to the extent
492 that such services are available.

493 c. Students who are referred to a school-based or
494 community-based mental health service provider for mental health
495 screening for the identification of mental health concerns and
496 ensure that the assessment of students at risk for mental health
497 disorders occurs within 15 days of referral. School-based mental
498 health services must be initiated within 15 days after
499 identification and assessment, and support by community-based
500 mental health service providers for students who are referred

for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

d. Referrals to behavioral health services available through other delivery systems or payors for which a student or individuals living in the household of a student receiving services under this subsection may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.

~~5.4.~~ Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

~~6.5.~~ Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

Section 10. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.